


The Official Action asserts that layer 20 in Figure 2 of Guenzer in combination with layer 12 inherently provides a strain-relief material layer, but this has not been shown. For something to be inherent, it must happen *always*, not sometimes, and not most of the time. The Official Action appears to take the position that layer 20 shows a "lack of crystallinity" that makes the layer "inherently" a strain relief layer together with the BTO layer. However, upon close reading of Guenzer, in Figure 2 silica thin-film layer 20 clearly is not amorphous, and has structure: note the passage at column 3, lines 22-30 which clearly indicates that silica layer 20 provides "at least partially oriented silicon areas."

In addition, present Claim 1 requires 1) a substrate, 2) at least one strain-relief material layer, 3) at least one portion of a piezoelectric material, and 4) an electro-acoustic device, these layers materials and devices overlying one another in the order described. If Figure 2 of Guenzer were to anticipate this claim, it must have each of elements 1)-4), which is impossible if BTO layer 12 and SiO₂ layer 20 are considered together to provide strain-relief material layer 2). In this instance, and even if the reasoning presented in the Official Action was taken as correct for the sake of argument, the subject described in Figure 2 of Guenzer can only provide three of the four required limitations of Claim 1, as only four layers total are described in this Figure. It is thus evident that the reference cannot anticipate this claim, as anticipation requires strict identity between the reference disclosure and the claim elements. For example, review of Guenzer shows no electro-acoustic device at least partially in a piezoelectric material.

Because Grudkowski fails to make up for the basic disclosure lacking in Guenzer, Applicants respectfully request the reconsideration and withdrawal of the outstanding rejection, and the passage of this case to Issue.

Respectfully submitted,

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